

United States District Court  
Western District of Texas  
San Antonio Division

Allen John Murray  
v.  
Lorie Davis

SA-18-CA-1288-FB(esc)

FILED

Motion To Stay/Hold In Abeyance

FEB - 5 2019

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY

To The Honorable Judge of said Court:

Comes now applicant, pro se, and respectfully request that this honorable Court stay/hold petitioner's Federal Writ of Habeas Corpus in Abeyance; and in support of said motion would show as follows:

I

Petitioner asked trial court for permission to Amend State State Habeas Corpus on July 24<sup>th</sup> /2018; with grounds already contained in writ. On 8-18-2018 Petitioner then filed Motion to Amend/Append with grounds 8,9,10,11. On 8-28-2018 Tex. Court of Crim. App. denied motion to Amend Pending Mandamus hearing. Petitioner refiled on 9-17-2018 Motion for leave to file the original application for writ of Mandamus.

II

Petitioner is innocent and has already been Acquitted of challenged offense in a trial in the 399th Dist. Court of Bexar County, Texas. Petitioner is diligently seeking relief from unlawful Sentence and unconstitutional conviction. He is not trained in the law; a layman in the complex Science of law; Petitioner was in special education throughout schooling and is (Mentally) disabled by the Social Security Administration; Applicant respectfully ask the Court to construe/consider the strongest argument possible, so he may seek a remedy or relief.

III

On 12-28-2018 Petitioner filed Writ of Habeas Corpus pursuant T.C.C.P. 11.07 § 4(a)(2)-actual innocence. Petitioner respectfully asks Federal Court to stay petition to allow applicant <sup>to present</sup> his claims in state Court; and then return to Federal Court for review of his perfected petition. See, Landis v. North American Co., 294 U.S.

248,254 (U.S. 1936). Rhines v. webber, 544 U.S. 269,161 L.Ed.2d 490,  
125 S.Ct 1528 (U.S 2005). IV

wherefore, premises considerd: the petitioner requests  
his motion be granted.

Respectfully Submitted



Allen John Murray #2089384  
Coffield unit  
2661 F. M 2854  
Tennessee Colow. TX.  
75884

Petitioner, pro se

### UnSworn Declaration

I Allen John Murray, Petitioner, pro se, being presently  
incarcerated at the Coffield Unit, in Anderson County,  
Texas, do hereby certify and declare under  
penalty of perjury that everything in this motion  
is correct and was placed in the Coffield mail box on  
1-9-2019.



pro se

1-9-2019

Attach to  
Page 13 of Affidavit

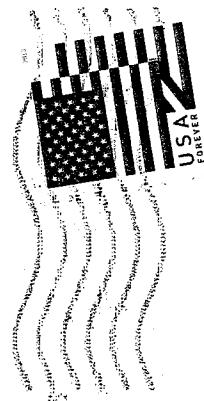
is all contained in this cause record. It's a conscious bad-faith; selective; vindictive prosecution when the state's theory is the complainant was solicited to Austin Murray; Gonzalo numerous times in the record. Under long standing case law in Texas a conviction can not rest on uncorroborated accomplice-witness testimony of a "13 year old prosecutrix" who is a accomplice-witness in the absence of threats, force, fraud, undue influence. Similarly in this case, in the absence of "Coerced by any means," *Bolin v. State*, 505 S.W.2d 912, 913 (Tex Crim. App. 1979) (holding: Conviction can not be based solely upon uncorroborate testimony of thirteen-year-old prosecutrix who, under long standing case law, is considered an accomplice-witness in the absence of threats, force, fraud, or undue influence).

The Court erred when it allowed Mr. Mohr to remain on case when it was made known to Court a conflict of interest exists. Court then denied/deprived assistance of Counsel because Mr. Oltersdorf (lead Counsel) relied heavily on Mr. Mohr deficient assistance; Then gives Mr. Oltersdorf 27 days to prepare and grants discovery on 3/21/2016 trial day. In such circumstances even a ~~competent~~ Competent attorney will become incompetent and render ineffective assistance. It's a denial of assistance of Counsel because no pretrial motions was asserted to subject the states case to adversarial testing, then is unreasonable to expect effective assistance with inadequate preparation and no pretrial discovery.

Allene Morrison #2089384  
Coffield unit  
2661 FM 2054  
Tennessee colony 154  
7/3684

SCREENED

39. *Leptodora* *leptophthalma*



EDWARD

Clerk, U.S. District Court  
Western Dist. of Texas  
John H. Wood Jr., U.S., Clerk  
655 E. Bergmo Boulevard  
San Antonio, Tex.

FEB 04 2019  
CLERK, U.S. DISTRICT COURT,  
WESTERN DISTRICT OF TEXAS

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